THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.237 of 2007

Date:19.01.2007

Between:

L.Rajeswari

PETITIONER

AND

The Assistant Engineer (Operation) and others.

---------RESPONDENTS

ORDER:

The petitioner was assigned an extent of 73 Sq.yards of land in Sy.No.153/3P of Pedagantyada Village of Pedagantyada Mandal, Visakhapatnam District in the year 1997. She constructed a house on the plot. She obtained power service connection bearing No.1253/1029 in the year 2002.

The first respondent issued a notice, dated 11.12.2006, to the petitioner requiring her to clear arrears of Rs.1,35,067/- in respect of service connection No.0601/4916. It was also indicated that in the event of default in payment of the amount, the supply through service connection No. 1253/1029 would be disconnected. The same is challenged in this writ petition.

The learned counsel for the petitioner submits that the arrears are in respect of a service connection obtained by the husband of the petitioner to run a small-scale industry and that the same is not at all in existence. He contends that the power supply to the premises owned by the petitioner cannot be disconnected on the ground that there existed arrears payable by her husband.

The learned standing counsel for the first respondent, on the other hand, submits that the petitioner and her husband constituted one unit and family and the alternative supplies secured by any of them are liable to be disconnected in case there exist arrears.

It is always open to the respondents to disconnect the power supply through alternative connections, if there existed arrears in respect of other connections. However, such a course can be adopted, if only, the service connection are in the name of the same person. The supply to one consumer cannot be disconnected for the default committed by another consumer. Though service connection No.0601/4916 stood in the name of the husband of the petitioner, both are different consumers and the default committed by one cannot result in disconnection of power supply to the other, particularly, when the premises are different.

Therefore, the writ petition is allowed and the impugned notice is set aside. It is, however, made clear that it shall be open to the respondents to proceed against the husband of the petitioner to recover the arrears in respect of service connection No.0601/4916, in accordance with law. There shall be no order as to costs.

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19.01.2007

Note: Issue C.C. tomorrow.
(B/o)
kdl